

# Sorting at the Borders

*by Annalisa Lendaro*

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**By retracing the history of Ofpra (the French Office for the Protection of Refugees and Stateless Persons), Karen Akoka shows that the reception of migrants in France is based on a tacit distinction between “good” political refugees and “bad” economic migrants.**

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*A review of Karen Akoka, *L’asile et l’exil. Une histoire de la distinction réfugiés/migrants* (“Asylum and Exile: A History of the Distinction Between Refugees and Migrants”), La Découverte, 2020. 360 pages, €23.*

“Why is it considered more legitimate to flee individual persecution than to flee collective violence? Why is it considered worse to die in prison than to die of hunger? Why is the absence of socio-economic prospects considered less problematic than the absence of political freedom?” (page 324).

In this work, Karen Akoka, a political sciences lecturer at University Paris Nanterre and an associate at the Institut des sciences sociales du politique (Institute of Social Sciences in Politics), asks essential questions about the moral foundations of our society, in light of the treatment of foreigners seeking protection in France. The degree of legitimacy given to these people by the public institutions concerned – primarily the Ministry of Foreign Affairs, Ofpra (the French Office for the Protection of Refugees and Stateless Persons) and the Ministry of the Interior – has always been variable. Long connected to their nationality of origin, it is embodied by categories (refugees, boat people, asylum seekers, migrants, etc.), which are meant to distinguish between and classify them. The meanings and uses of these categories and their effects in terms of

access to rights change over time. This book has the great merit of exposing the organisational processes, the power relations, the political interests and the moral principles that underpin these changes in the meanings and uses of categories of asylum.

To reveal these mechanisms, the author conducts a socio-historical analysis of the emergence and workings of Ofpra from the 1950s to the 2010s, particularly focusing on the practices of its agents. In a resolutely constructivist approach, the figure of the “refugee” (and implicitly that of the person not considered a “refugee”) is shown to be a product of labelling. Although it is undoubtedly the institutions that are responsible for this labelling, it is ultimately delegated to the agents who apply the rules and policy guidelines.

How did France go from almost automatic recognition of refugee status for entire Russian, Georgian and Hungarian communities in the 1960s and 1970s to very high rates of rejected applications from the 1990s? When and why did proof of individual risk (and no longer collective persecution) become a requirement? Counter to an explanation suggesting that the profile of the applicants has changed, the author shows us the cogs that drive the construction of the “refugee” and their alter-egos: the “asylum seeker” and the “economic migrant”. To understand the underlying mechanisms, she examines the work of the agents responsible for sorting people into these different categories, and the moral, organisational, economic and political factors that influence their decisions.

## **Back in time through the history of OFPRA**

Using both open archives and numerous interviews, this book explains the evolution of the decisions made at Ofpra, looking closely at the profiles and experiences of the men and women to whom this responsibility has been delegated: the agents.

Karen Akoka chronologically retraces the events and rationales that governed the granting of asylum in France from the interwar period (chapter 1) to after the ratification of the Geneva Convention (chapter 2), with a close examination of the “false turning point” represented by the creation of Ofpra in 1952. She shows that, far

from seeing a real break with the past, the protection of refugees after the birth of this institution remained a diplomatic and foreign policy issue for several decades.

The subsequent chapters, which are well evidenced and sometimes go against a previously little-disputed scientific literature (see Gérard Noiriel, *Réfugiés et sans-papiers*, Paris, Hachette, 1998), demonstrate that the creation of Ofpra did not represent a “purely French” control of asylum: the profile of the Ofpra agents matters, and is shown to be important for understanding the changing percentages of applications rejected or accepted. In fact, between 1952 and the end of the 1970s, it was largely refugees and children of refugees who examined the applications of their compatriots, in a Cold War period when Russian, Georgian and Hungarian citizens were recognised as refugees based purely on their nationality. The counterexamples are heuristic and they show the French foreign policy interests: Yugoslavians, considered citizens of a regime that had dissociated itself from the USSR, and Portuguese citizens, whose authoritarian leader Salazar had excellent diplomatic relationships with France, mostly had their applications rejected. This was because accepting them would have been considered an “unfriendly act” towards their leaders.

The 1980s were a transitional decade, with a shift from a “refugee regime” to an “asylum seeker regime” in which the requirement for individual fear of persecution emerged in the practices of the agents. However, this did not apply to all applicants: there were still differences in how groups were treated, with clear preferences for certain nationalities such as the Indochinese or boat people, and distrust toward other citizens such as Zairians. This discriminatory treatment was again a result of the profiles of the agents in charge of processing their applications: they were Indochinese for the Indochinese, but French for the Zairians. The rhetoric of asylum fraud was largely applied to African applicants, despite it also being well documented among Indochinese citizens. It was central in the government’s language in the 1990s, serving to justify migration policies that were designed to reduce migrant inflow.

The focus on the sociological profile of the Ofpra agents and the internal changes within the organisation is enlightening: it shows that cultural and linguistic proximity with the groups in question ceased to be valued, and instead Ofpra began seeking neutral, detached agents. From the 1990s, the institution changed the procedures for processing applications in a way that segmented the skills of the agents, delegated to experts (in law and documentation) and reduced contact with applicants. The organisation progressively introduced productivity bonuses based on the number of applications processed and sanctions if targets were not met. Agents granting

refugee status to too many people faced informal modes of stigmatisation. The recruitment of contract staff gave Ofpra executives more influence over how they worked. It therefore appears that the profiles of recruits and their working conditions became ways of “controlling them without official control”.

The socio-historical approach, making room for different types of data including memoirs, archive material and interviews, has the advantage of describing in detail and on a long timescale the macro-level continuities and changes, and connecting them with the more micro-level experiences of agents. Furthermore, the author shows that the agents’ room for manoeuvre is greatly influenced by both international political balances and the impact of new public management on Ofpra.

The author’s reflections about her own past experiences at the UNHCR, where she worked from 1999 to 2004, also indicate that she takes her interlocutors’ interpretations of their practices seriously, without passing moral judgement on them. The moral dilemmas sometimes involved in the interviewees’ choices and hesitations shed light on the continuum between compliance with and resistance to the institution. Using extracts of interviews from both those who resist and those who comply, reconstructing the powerful costs of dissidence in terms of reputation among colleagues, making room for rumours: these are the ingredients of a socio-historical investigation that comes close to the ethnographic approach.

## **Putting an end to the refugee/migrant dichotomy and the real/fake rhetoric**

One of the key contributions of this work is that it deconstructs the moral edifice of asylum, exposing the paradoxes of the argument that protecting asylum today means fighting fraudulent asylum seekers and granting refugee status only to the most deserving. Essentially, Karen Akoka tackles political issues that are crucial for our society, by forcing us to question the legitimacy of distinctions (between refugees and migrants). Despite having no sociological basis, these distinctions serve some of the most dangerous political interests and rationales. They can be used to hide the cynical desire for more selective immigration policies behind a mask of humanitarianism, or to express populist and/or xenophobic objectives to reduce the number of foreigners entering the country on the pretext of supposedly excessive cultural diversity or poor economic viability.

This book is a welcome criticism of the rhetoric about “real and fake refugees” and of the belief that “it was different in the past” (page 27). It encourages the reader to stop taking a moralising view on possible lies by asylum seekers: these lies are the consequence of the narrowing of the possibilities for protection, the escalation of the horrors required to qualify for it and the reduction of proceedings to suspend deportation when Ofpra rejects applications. In this sense, the political implications of a critical socio-history of labelling are clear. Karen Akoka’s epilogue broadens the discussion by putting the refugee/migrant dichotomy in perspective using examples of other populations that undergo sorting: the parallel with the poor and the welfare agents studied by Vincent Dubois (*La vie au guichet. Relation administrative et traitement de la misère*, Paris, Economica, 2008) allows us to approach the case of foreigners in a less isolated way that shows how the system justifies the (non-)protection of (un)desirables by presenting it as necessary or inevitable.

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